

WILLIAM L. MCGIMSEY  
A Professional Corp.  
Nevada Bar No. 546  
601 E. Charleston Blvd.  
Las Vegas, NV 89104  
(702) 382-9948

E-FILED - 02/26/07

Attorney for Margaret B. McGimsey  
Trust, Bruce McGimsey, Jerry  
McGimsey, Sharon McGimsey and  
Johnny Clark

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re: )  
USA COMMERCIAL MORTGAGE COMPANY, )  
Debtor. )  
USA CAPITAL REALTY ADVISORS, LLC, )  
Debtor. )  
USA CAPITAL DIVERSIFIED TRUST DEED )  
FUND, LLC, )  
Debtor. )  
USA CAPITAL FIRST TRUST DEED )  
FUND, LLC, )  
Debtor. )  
USA SECURITIES, LLC, )  
Debtor. )

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

Chapter 11

**CERTIFICATE OF SERVICE**

No Hearing Date

Affects:  
☐ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☒ USA Capital Diversified Trust Deed  
Fund, LLC  
☐ USA First Trust Deed Fund, LLC

I served the following document:


APPELLANTS' STATEMENT OF ISSUES AND DESIGNATION OF RECORD  
ON APPEAL

LAW OFFICES  
WILLIAM L. MCGIMSEY  
A PROFESSIONAL CORPORATION  
601 EAST CHARLESTON BOULEVARD  
LAS VEGAS, NEVADA 89104

1 ■ **a. ECF System** to the parties listed on Exhibit A attached hereto on February 26,  
2 2007.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 DATED this 26<sup>th</sup> day of February, 2007.

5   
6 An Employee of William L. McGimsey, Esq.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## File an Appeal:

06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY

### U.S. Bankruptcy Court

### District of Nevada

#### Notice of Electronic Filing

The following transaction was received from MCGIMSEY, WILLIAM L. entered on 2/26/2007 at 11:28 AM PST and filed on 2/26/2007

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY

**Case Number:** 06-10725-lbr

**Document Number:** 2888

#### Docket Text:

Statement of Issues. Appeal Reference # 07-06 U.S. District Court # 06-10725 Filed by WILLIAM L. MCGIMSEY on behalf of JOHNNY CLARK, MARGARET B. MCGIMSEY TRUST, BRUCE MCGIMSEY, JERRY MCGIMSEY, SHARON MCGIMSEY, Appellant Designation. Appeal Reference # 07-06 U.S. District Court # 06-10725 Filed by WILLIAM L. MCGIMSEY on behalf of JOHNNY CLARK, MARGARET B. MCGIMSEY TRUST, BRUCE MCGIMSEY, JERRY MCGIMSEY, SHARON MCGIMSEY (Related document(s)[2782] Notice of Appeal, filed by Interested Party MARGARET B. MCGIMSEY TRUST, Interested Party BRUCE MCGIMSEY, Interested Party JERRY MCGIMSEY, Interested Party SHARON MCGIMSEY, Interested Party JOHNNY CLARK.)(MCGIMSEY, WILLIAM)

The following document(s) are associated with this transaction:

#### Document description:Main Document

**Original filename:** C:\Documents and Settings\Owner\My Documents\Coreel User Files\Appeals - BAP\McGimsey USA Cap Diversified\Stmt of Issues & Designation of Record.pdf

#### Electronic document Stamp:

[STAMP bkecfStamp\_ID=989277954 [Date=2/26/2007] [FileNumber=7816722-0]  
[1fd9b038158d79d0f722c0431201a1ac93a89fedff6a5414dde4d59952b1f5f07f0c  
b895c8739591378c2c4cc76d2a44efea466a989b61f2c7ce1e075356d96]]

#### 06-10725-lbr Notice will be electronically mailed to:

MICHELLE L. ABRAMS mabrams@mabramslaw.com

FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

NANCY L ALLF nallf@parsonsbehle.com,  
klawrence@parsonsbehle.com;thomas@parsonsbehle.com;ecf@parsonsbehle.com

FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov

OGONNA M. ATAMOH oatamoh@nevadafirm.com,

**EXHIBIT A**

bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com

KERIANN M ATENCIO ATENCIOK@GTLAW.COM

BMC GROUP, INC. evrato@bmcgroup.com,  
ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com

GEORGANNE W. BRADLEY georganne.bradley@bullivant.com, mary.opatny@bullivant.com

KELLY J. BRINKMAN kbrinkman@gouldpatterson.com

THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com

ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-law.com;lmackson@shutts-law.com

LOUIS M. BUBALA lbubala@jonesvargas.com,  
tbw@jonesvargas.com;bjlingenfelter@jonesvargas.com

MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com

CANDACE C CARLYON ltreadway@sheacarlyon.com,  
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rsmith@sheacarlyon.com

ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

MICHAEL W. CHEN yvette@ccfirm.com

KEVIN B. CHRISTENSEN kbchrislaw@aol.com

JANET L. CHUBB tbw@jonesvargas.com

WILLIAM D COPE cope\_guerra@yahoo.com

LAUREL E. DAVIS ldavis@fclaw.com, mhurtado@fclaw.com;ldavisesq@aol.com

DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

ARLEY D FINLEY TFINLEY@DIAMONDMCCARTHY.COM

SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com

GREGORY E GARMAN bankruptcynotices@gordonsilver.com

DOUGLAS D. GERRARD DGERRARD@GERRARD-COX.COM

WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,

Darlene.Ruckard@usdoj.gov; Eunice.Jones@usdoj.gov; Sue.Knight@usdoj.gov

GERALD M GORDON bankruptcynotices@gordonsilver.com

R. VAUGHN GOURLEY vgourley@lvcm.com

TALITHA B. GRAY bankruptcynotices@gordonsilver.com

JAMES D. GREENE bknotice@schrecklaw.com

MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com

JEFFREY R. HALL jhall@sheacarlyon.com,  
bankruptcyfilings@sheacarlyon.com; abochmer@sheacarlyon.com; ltreadway@sheacarlyon.com; rmsmith

XANNA R. HARDMAN xanna.hardman@gmail.com

STEPHEN R HARRIS noticesbh&p@renolaw.biz

JEFFREY L HARTMAN notices@bankruptcyreno.com

BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com

RICHARD F. HOLLEY rholley@nevadafirm.com,  
paltstatt@nevadafirm.com; vnelson@nevadafirm.com; sliberio@nevadafirm.com; bkecf@nevadafirm.com

RANDOLPH L. HOWARD rhoward@klnevada.com,  
ckishi@klnevada.com; bankruptcy@klnevada.com

DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com

ANNETTE W JARVIS ajarvis@rqn.com

ERIN E. JONES ejones@diamondmccarthy.com, cburrow@diamondmccarthy.com

TY E. KEHOE TyKehoeLaw@aol.com

ROBERT R. KINAS rkinas@swlaw.com,  
jmcbee@swlaw.com; jmath@swlaw.com; imccord@swlaw.com; cdossier@swlaw.com; lvdocket@mindsp

DEAN T. KIRBY dkirby@kirbymac.com, jhebert@kirbymac.com; lackerman@kirbymac.com

ZACHARIAH LARSON ecf@lslawnv.com

JOHN J. LAXAGUE jlaxague@canecclark.com

GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net

NILE LEATHAM nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com

ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net

ANNE M. LORADITCH ecffilings@beckleylaw.com,  
aloraditch@beckleylaw.com;pkois@beckleylaw.com

ERIC D MADDEN emadden@diamondmccarthy.com

PATRICIA A. MARR lvlaw03@yahoo.com

JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com

REGINA M. MCCONNELL rmccconnell@kssattorneys.com

WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com

RICHARD MCKNIGHT mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;cburke@lawlasvegas.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com;info@s-mlaw.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com;info@s-mlaw.com

SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,  
smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

DAVID MINCIN mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;dmincin@lawlasvegas.com;cburke@lawlasvegas.com

JOHN F MURTHA jmurtha@woodburnandwedge.com

ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com

VICTORIA L NELSON bkecf@nevadafirm.com,  
vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.com

BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com

DONNA M. OSBORN ebaker@marquisaurbach.com,  
dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com

CHRISTINE M PAJAK cpajak@stutman.com, ekarasik@stutman.com

ANDREW M. PARLEN aparlen@stutman.com

DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com

PAUL C RAY info@johnpeterlee.com

CHRISTINE A ROBERTS bankruptcy@rocgd.com

SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,  
ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com;aboehmer@sheacarlyon.com

SHLOMO S. SHERMAN ssherman@sheacarlyon.com,  
aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rmsmith

AMBRISH S. SIDHU ecf@lslawnv.com

JEFFREY G. SLOANE gjklepel@yahoo.com, rmconnell@kssattorneys.com

ALAN R SMITH mail@asmithlaw.com,  
turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com

DAVID A. STEPHENS dstephens@lvcm.com

PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com

JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com

AMY N. TIRRE , lmccarron@kkbrf.com

AMY N. TIRRE atirre@kkbrf.com, lmccarron@kkbrf.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

GREGORY J. WALCH GWalch@Nevadafirm.com

RUSSELL S. WALKER rwalker@wklawpc.com,  
eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com;rrazo@wklawpc.com;tgrover

WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com

WILLIAM J. WRAY wjw@oreillylawgroup.com,  
rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillylawgroup.com,

JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

ANTHONY A. ZMAILA azmaila@nevadafirm.com,  
bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

**06-10725-lbr Notice will not be electronically mailed to:**

[REDACTED]